

AO 440 (Rev. 8/01) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

Southern

District of

New York

AEROTEL, LTD., et al.,

Plaintiffs,

## SUMMONS IN A CIVIL ACTION

V.

AT&T INC., et al.,

Defendants.

CASE NUMBER: 07 Civ. 3217 (RJH)

TO: (Name and address of Defendant)

AT&T Long Distance, LLC  
5850 West Las Positas Boulevard  
Pleasanton, California 94588

BellSouth Long Distance, Inc.  
d/b/a AT&T Long Distance Service  
400 Perimeter Center  
Atlanta, Georgia 30346

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Robert C. Morgan  
ROPES & GRAY LLP  
1211 Avenue of the Americas  
New York, New York 10036-8704

Glenn F. Ostrager  
OSTRAGER CHONG FLAHERTY & BROITMAN P.C.  
570 Lexington Avenue  
New York, New York 10022-6894

an answer to the complaint which is served on you with this summons, within TWENTY (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

SEP 17 2007

CLERK

DATE

(By) DEPUTY CLERK

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<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____  <div style="display: flex; justify-content: space-around; width: 100%;"> <span>Date</span> <span>Signature of Server</span> </div>   <div style="text-align: center; margin-top: 20px;"> <span>Address of Server</span> </div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AEROTEL, LTD., et al

V. Plaintiffs,

CIVIL ACTION FILE  
NO. 07CIV.3217(RJH)

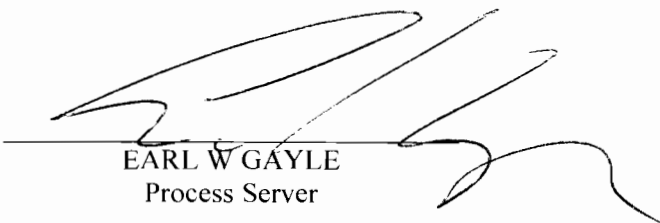
AT&T INC., et al

Defendants,

**AFFIDAVIT OF SERVICE**

PERSONALLY appeared before me, EARL W GAYLE, the undersigned officer duly authorized to administer oaths, first being duly sworn, on oath deposes and states that he/she is a citizen of the State of Georgia and 21 years of age or older and is a party having no interest in the above-styled case. Affiant further states that on September 19, 2007, at 12:10pm, he/she served **BellSouth Long Distance, Inc., dba AT&T Long Distance Service**, by serving copies of the below listed documents to Gillian Moss at Prentice Hall Corporation System, as Registered Agent located at 40 Technology Parkway Suite 202, Norcross, GA 30092,  
DOCUMENTS: **Summons & Complaint.**

Dated 10-1, 2007

  
EARL W GAYLE  
Process Server

Sworn to and subscribed before me,  
on 10/11, 2007

  
Notary Public